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Dan Smoot Report

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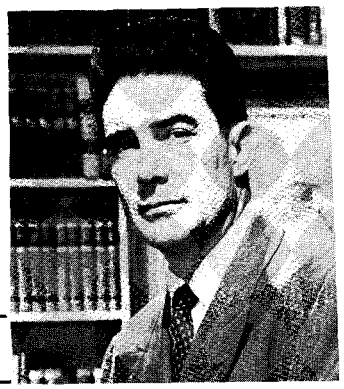

DAN SMOOT

DARKNESS IS DESCENDING ON THE LAND

In the beginning, we do not see many overt acts of tyranny. Only occasionally, and under confused circumstances, does a midnight pounding on the door rout from bed some citizen whose sole crime is criticism of all-powerful government. Only occasionally, when a man's fight for justice can be calumnied as a selfish stand against progress, is a citizen jailed without trial, and held as an example to intimidate others. Only occasionally is a military hero of the Republic stigmatized as mentally ill and incarcerated without formal process or permission to make bond, because the ruling tyranny, in momentary rage or panic, hated the man as a symbol of resistance.

In the beginning, tyranny is subtle, its actions explained as necessary steps against enemies of the public good, its iron fist hidden in a velvet glove, its death's-head grin masked as a smile of paternal beneficence. By the time the naked power of the police state is unsheathed and brandished boldly for all to see and cringe before, it is often too late for an intimidated populace to take action.

At the outset of the Kennedy administration, the President and other New Frontier spokesmen called upon the American people to shake off their apathy and to develop an informed and active interest in the great political problems of our time. The President stressed this theme in his first inaugural address and again in his first State of the Union Message. In his State of the Union Message (January 30, 1961), the President said:

"Let it be clear that this administration recognizes the value of daring and dissent—that we greet healthy controversy as the hallmark of healthy change."(1)

By *dissent,* the President did not mean dissent from any act or idea of his: before the end of his first year in office, Kennedy was calling his critics irresponsible fanatics, discordant voices of extremism, and counselors of fear and suspicion. By the end of 1961, the President's counselors were demanding that conservative critics of the administration be *silenced,* and the President was moving fast to implement their demands.

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Reuther's Recommendations

On December 19, 1961, Walter Reuther presented to Attorney General Robert Kennedy a memorandum (which had been prepared by Walter's brother, Victor) on "The Radical Right in America Today."[2]

Reuther congratulated the Kennedy administration for saying harsh things about the "radical right," but demanded action instead of words. Here are passages from the Reuther memorandum on the "radical right":

"President Kennedy's addresses in Seattle and Los Angeles on November 16 and 18 [1961] evidenced both a deep concern with, and a profound understanding of, the serious problems injected into American life by the growing strength of the radical right . . . .

"If the Administration truly recognizes this as a serious problem, as it certainly appears to do, it is most important that President Kennedy's addresses in Seattle and Los Angeles be implemented . . . .

"The radical right or extreme right-wing, or however it may be designated includes an unknown number of millions of Americans of viewpoints bounded on the left by Senator Goldwater and on the right by Robert Welch . . . .

"The radical right moves the national political spectrum away from the Administration's proposed liberal programs at home and abroad . . . .

"What are needed are deliberate Administration policies and programs to contain the radical right from further expansion and in the long run to reduce it to its historic role of the impotent lunatic fringe . . . .

"The radical right poses a far greater danger to . . . this country . . . than does the domestic communist movement."[3]

Reuther suggested that "radical right" organizations be placed on the Attorney General's subversive list, along with the communist party, and that their ranks be infiltrated by the FBI. This would be a political purge of major proportions. Note that "radical right" includes Senator Goldwater and every other American as conservative as, or more conservative than, the Senator. Reuther admits that the number is in the millions, and growing.

The patriots of America are to be branded subversive, and outlawed.

It *can* happen *here*. Indeed, the police-state purge of patriots has already begun. At present, there are no visible signs, no tangible evidence, that Kennedy plans to follow Reuther's recommendation about branding and outlawing the millions of Americans who are as conservative as Barry Goldwater — Americans whom Reuther labels as "radical right." But two other Reuther recommendations (of equal, if not deeper, import) are in the process of implementation by the Kennedy administration — were, indeed, already being implemented, in part, as Kennedy policy before Reuther submitted his memorandum. One involves the military: *silence all "radical right" expression by military officers, and use military establishments as pressure groups to support administration policies.* The other involves broadcasting: *banish any "radical right" expression from radio and television, and convert these media into propaganda agencies for governmental programs.*

The Military

The Reuther memorandum to Robert Kennedy recommended muzzling of all military officers who think communism is a threat within the United States and who disagree with Kennedy administration policies of accommodating and appeasing the Soviets abroad. Anti-communist officers who cannot be silenced should be removed, by one means or another, from the Armed Forces. All of this, according to Reuther, is to be done under the pretext of separating military personnel from partisan politics. At the same time, those military officers who agree with Kennedy are to be encouraged, even ordered, to speak and act officially in support of Kennedy's political programs.

This is what Reuther recommends. This is what Kennedy is doing.

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The muzzling of anti-communist officers in the Armed Forces was a major controversy during the first year of Kennedy's administration. By the beginning of 1963, anti-communists had been silenced or forced out of the services. This was done, exactly as Reuther had recommended, under the pretext of keeping military personnel out of controversial political matters. In July, 1963, however, the administration ordered military personnel to intervene aggressively in the most controversial political matter of all time, in support of the President's racial program.

On July 26, 1963, Robert S. McNamara, Secretary of Defense, issued a directive, "Equal Opportunity in the Armed Forces," ordering all military commanders to take action in and against civilian communities around military bases, whenever those communities do not wholly support the President's racial program.[4]

The author of this directive is Adam Yarmolinsky, whose parents are notorious communist-fronters and who has a record of participation in communist activities since his undergraduate days at Harvard.[5]

The purpose of the Yarmolinsky directive is to implement the program of the President's Committee On Equal Opportunity In The Armed Forces, appointed in June of 1962.

On June 13, 1963, the committee outlined its scheme for racial equality in a 93-page report entitled "Equality of Treatment and Opportunity for Negro Military Personnel Stationed Within the United States," popularly referred to as the Gesell Report, after the name of a Washington, D. C., lawyer, Gerhard A. Gesell, who is chairman of the President's committee.

The Gesell Report was written by a Sacramento, California, negro attorney, Nathaniel S. Colley, said to be an official of the National Association for the Advancement of Colored People.[6]

Here is one passage from the 93-page Gesell Report, now implemented as binding instructions on the Armed Forces, by the Yarmolinsky directive, issued on July 26, 1963, in the name of the Secretary of Defense:

"Segregation and other forms of discrimination in facilities in a given locality, detrimental to the morale of Negro personnel at a neighboring military base, must cease. The commander should, of course, attempt by means available to him—community committees, persuasion, emphasis of the base's importance to the local economy—to eliminate such practices. In situations in which these efforts are unsuccessful, the commander should develop a plan under which military personnel of all races would be permitted to patronize only those facilities which receive his express approval . . . ."[6]

Broadcasting

The Reuther memorandum to Robert Kennedy is, among other things, a tissue of false insinuations which amount to outright lies about the "radical right." Reuther insinuates that conservatives are organized into clandestine, undercover organizations lavishly financed by means which violate the nation's tax laws, and that they dominate radio and television broadcasting, to the exclusion of liberal commentary. Without being specific, Reuther darkly hints that the Federal Communications Commission must do something to banish the "radical right" from radio and television.

In truth, most constitutional conservatives are not prone to join organizations. Those who belong to the John Birch Society and similar groups are outspoken about it, proud of their stand for constitutional principles, trying always to educate others in those principles. They have very little money, and *no* access to *national* television.

I probably have wider television coverage than any other constitutional conservative news commentator. I have one fifteen-minute television program once a week. It is a condensation of this published *Report.* It has been on 33 television stations in a 9-state west coast area, under the sponsorship of Dr. Ross Pet Food Company of Los Angeles, since early 1957. More recently, I have acquired sponsorship on 8 television stations, in 4 states outside the Dr. Ross Company's marketing area.

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My broadcast is presented commercially by the firms which sponsor it. In all cases, the stations *sell* time to my sponsors, at their regular rates, and on the same basis that they sell time to other sponsors who advertise with other news-commentary programs.

In 1962, the Subcommittee on Tax Administration, of the California Legislature, under the chairmanship of Charles H. Wilson, a Democrat, investigated the advertising program of D. B. Lewis, President of the Dr. Ross Pet Food Company, to determine, among other things, whether Mr. Lewis was violating or abusing California tax laws in the sponsorship of my broadcasts.

On October 1, 1962, Mr. Wilson's subcommittee submitted its report. Here are pertinent excerpts:

"The Lewis Food Company of Los Angeles, a California corporation, producer of 'Dr. Ross Dog and Cat Food,' sponsors the news commentator Dan Smoot, whose views on national and international questions may be described as conservative.

"The sponsorship of this program extends to 32 television and 52 radio stations in eleven western states.

"The committee can find no abuse of the deductibility privilege in this sponsorship . . . . Mr. Lewis is getting value out of his advertising dollar. We find no abuse of the intent of the law in the sponsorship of news and public affairs commentators, notwithstanding the fact that they might reasonably be classified as 'extremists.' Dan Smoot's weekly commentary differs only in content, not in kind, from that of Howard K. Smith, Chet Huntley, or David Brinkley."

This has been the experience of my broadcast in all areas. Nowhere, has my broadcast caused legal action against me, my sponsors, or the stations. An overwhelming majority of the listening audience responds favorably to my once-a-week news commentary on television. Why? *Because there is a vast, unsatisfied public hunger for television programs analyzing the news from the viewpoint of a constitutional conservative.* A majority of Americans are conservative — despite the fact that totalitarian liberals control the government and all its multi-billion-dollar tax-financed propaganda agencies, and control and dominate most of the major newspapers and magazines, all of the television networks, and most major radio and television stations in the nation.

Conservatives have more access to radio than to television. My own radio broadcast is commercially sponsored on 71 stations in 20 states. There are, perhaps, a half dozen other conservative radio programs distributed nationally and reaching a large audience, and there are *local* conservative radio commentators.

On television, there is also an unknown number of *local* conservative commentators; but *there is not one television commentator, with national coverage, who expresses the viewpoint of constitutional conservatives.*

None of the television networks will sell time to respected, legitimate sponsors who want to advertise with my broadcast. And in some cities, my sponsors have been unable to buy time on any *television station.* Houston, New Orleans, Kansas City, Boston, New York—these are specific major cities where respected business organizations which wanted to sponsor my television broadcast were unable to buy time on any television station. In all cases, time was available if my sponsor would present an "approved" or "liberal" commentator. In many cities where my television broadcast is on the air, the stations running it do not like it. They run it, because my sponsor is a good customer who insists, and because the public response is overwhelmingly favorable.

The Reuther memorandum (developing its false insinuation that "radical right" programs receive favored treatment by broadcasting stations) mentioned one place where a radio station (WLW, in Cincinnati) sold time for a conservative broadcast but would not sell time for the UAW program called "Eye Opener." Reuther said action against WLW, for this 'conduct,' was pending before the FCC. In this connection, I offer an interesting contrast.

The sponsor who wanted to buy time for my television broadcast in Kansas City was told by

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all three stations in that city (WDAF, KMBC, and KCMO) that time was available — until they discovered that he wanted to sponsor me. All stations then found that time was not available for my program. My potential sponsor wrote to the FCC to see whether he had any redress through the FCC to force the stations to sell time for my broadcast. The FCC, by letter dated June 20, 1963, informed my sponsor that "there is no statute or Commission Rule" which would give him redress.

This is the situation in national television: totalitarian liberals have a virtual monopoly and have had since the beginning. There are scores of national network television news programs (most of them *daily*), of the Howard K. Smith and Huntley-Brinkley and Walter Cronkite type, whose reporting of the news sometimes is offensive to well-informed conservatives. In addition to that, the President and officials in the executive establishment have instant access to all mass media communication, with free time, to advocate the programs of totalitarian liberalism. Not *one* conservative organization has a voice on national television, and not *one* constitutional conservative commentator has a national television coverage.

Yet the Reuther brothers in December, 1961, advised Robert Kennedy to have the Federal Communications Commission do something about getting the "radical right" off the air.

The FCC has now done something which will eventually (if something is not done) banish me and every other conservative commentator from every radio and television station in the nation, and limit all broadcasting stations to the role of communications media in the Soviet Union — the role of presenting nothing but programs governmentally approved.

The Two-Edged Sword

On July 26, 1963, the Federal Communications Commission sent a Public Notice to all radio and television stations, advising them of their "Responsibilities under the Fairness Doctrine as to controversial issue programming." Here is the full text:

"Several recent incidents suggest the desirability of calling the attention of broadcast licensees to the necessity for observance of the fairness doctrine stated by the Commission in its opinion of June 1, 1949 in Docket No. 8516. The Commission adheres to the views expressed in that opinion and continues to apply that policy, namely, that the licensee has an affirmative obligation to afford reasonable opportunity for the presentation of contrasting viewpoints on any controversial issue which he chooses to cover.

"The Commission has undertaken a study to consider what actions, perhaps in the form of a primer or rules, might be appropriate better to define certain of the licensee's responsibilities in this area. Without undertaking at the present time to specify all, or the most important, applications of the policy, it is appropriate to call attention to the Commission's view of its application in three currently important situations:

"(a) When a controversial program involves a personal attack upon an individual or organization, the licensee must transmit the text of the broadcast to the person or group attacked, wherever located, either prior to or at the time of the broadcast, with a specific offer of his station's facilities for an adequate response (Clayton W. Mapoles, 23 **Pike & Fischer, R.R.** 586, 591; Billings Broadcasting Company, 23 **Pike & Fischer, R.R.** 951, 953).

"(b) When a licensee permits the use of his facilities by a commentator or any person other than a candidate to take a partisan position on the issues involved in a contest for political office or to attack one candidate or support another by direct or indirect identification, he must immediately send a transcript of the pertinent continuity in each such program to each candidate concerned and offer a comparable opportunity for an appropriate spokesman to answer the broadcast (Times-Mirror Broadcasting Co., 24 **Pike & Fischer, R.R.** 404, 405).

"(c) When a licensee permits the use of his facilities for the presentation of views regarding an issue of current importance such as racial segregation, integration, or discrimination, or any other issue of public importance, he must offer spokesmen for other responsible groups within the community similar opportunities for the expression of the contrasting viewpoints of their respective groups. In particular, the views of the leaders of the Negro and other community groups as to the issue of racial segregation, integration, or discrimination, and of the leaders of appropriate groups in the community as to other issues of public importance, must obviously be considered and reflected, in order to insure that fairness is achieved with respect to programming dealing with such controversial issues (Editorializing Re-

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port, 1 **(Part three) Pike & Fischer, R.R. 201, 204-206; cf.** WBNX Bctg. Co., Inc., 4 **Pike & Fischer, R.R. 242, 248).**

"In determining compliance with the fairness doctrine the Commission looks to substance rather than to label or form. It is immaterial whether a particular program or viewpoint is presented under the label of 'Americanism,' 'anti-communism' or 'states' rights' or whether it is a paid announcement, official speech, editorial or religious broadcast. Regardless of label or form, if one viewpoint of a controversial issue of public importance is presented, the licensee is obligated to make a reasonable effort to present the other opposing viewpoint or viewpoints.

"The Commission does not seek to prevent the expression of any viewpoint by any licensee on any issue. It does seek to prevent the suppression of other contrasting viewpoints by any licensee on any issue when licensed broadcast facilities have been used for the presentation of one view of the issue. This is required by the public interest standard of the law."

Note carefully paragraph (c). It is particularly concerned with broadcasts on the racial question, but includes all issues "of public importance."

Practically every radio and television station in the country has interpreted the FCC notice as a discriminatory policy against conservative broadcasts: liberals ("In particular . . . leaders of the Negro . . . groups") can demand time to answer conservative broadcasts, but conservatives may not demand time to answer liberal broadcasts. Such discrimination does seem to be the intent of the FCC Notice, but the FCC does not specifically say so, because the FCC has no legal right to order such bias.

Hence, this FCC Notice could be a two-edged sword. There are pitifully few conservative broadcasts on radio and television. Liberals can harass stations and sponsors into canceling all of them by demanding free time for rebuttal. What if millions of American conservatives demanded equal time to answer liberal broadcasts? Practically all television "documentaries" and news-analyses, and "studies in depth" are slanted toward liberalism. If conservatives, in the millions, relentlessly demanded equal time to answer all liberal broadcasts, the radio and television stations (particularly television) would have time for little else.

How can broadcast stations protect themselves? As a group, they should demand, and keep on demanding (by private means and through their public facilities) that Congress enact a law nullifying the FCC Fairness Doctrine and all other FCC rules and directives not absolutely necessary for *technical* regulation of broadcasting. Meanwhile—until Congress acts—broadcast stations could protect themselves by literal interpretation of a key phrase in the FCC Fairness Doctrine Notice, as it presently stands.

In paragraph (c), FCC says that a station which allows a broadcast expressing a view on an issue of public importance, must offer *similar opportunities* for the opposing viewpoint. Many stations have interpreted this to mean that they must donate equal time for liberals to answer a conservative broadcast, even though time for the conservative broadcast was sold at regular rates. By such misdirected interpretation, the stations are cutting their own throats. If someone wants to answer one of my broadcasts by getting a commercial sponsor to buy time for him, equal to the time that was bought for me, permitting him to do so would be offering him *similar opportunity* to express his view. To *give* him time (when my sponsors had to *pay* for my time) will, in the end, either bankrupt the station or force cancellation of my broadcasts.

Station KATU-TV in Portland, Oregon, has already notified my sponsor (Dr. Ross) that my broadcast will be banished from the station, because the station anticipates expense and trouble in offering free time to answer.

Station WOAI-TV in San Antonio, Texas, now runs an announcement after *each* of my broadcasts, saying: "This station voluntarily solicits responsible dissenting viewpoints to controversial matters discussed in the preceding program."

My sponsor in San Antonio (Mr. Louis Michael, President of Travis Savings & Loan Associa-

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tion) pays the station a substantial sum for my broadcast time because conservatism is good advertising for his business—and because he is a dedicated patriot who believes in constitutional government. Mr. Michael complained vehemently about the tag which labels my broadcast "controversial" and offers time to answer it. To no avail!

WOAI ran a three-hour NBC "documentary" slanted against conservatives who have a states' rights view on the racial question. Huntley and Brinkley, with thirty minutes a day on WOAI-TV, sometimes slant the news and editorialize in favor of liberalism. There is a union commentator on WOAI-TV who not only editorializes but tries to incite his audience to lobbying and boycotting activities. A woman commentator on WOAI-TV has lauded the United Nations and harshly condemned its critics. The station considers none of these "controversial" in the sense that time should be offered for conservative rebuttal—even though WOAI personnel admit that when they ran the 3-hour NBC documentary on the race question, the station received 349 telephone calls, 346 of them from irate citizens who resented the presentation.

Practically every radio and television station in the nation gave many hours of coverage to the negro march on Washington, August 28. Bayard Rustin (negro who was second in command of the march) had free time on television networks (and on radio) to present demands as to what the Congress and people of America must do. Bayard Rustin has a disgusting police record as a moral degenerate.

No conservative has been given network time to answer hate-inciting comments made by perverts and communist fronters, who spoke to the nation on television, free of charge, on August 28.

Last month, I had a broadcast criticizing the Test Ban Treaty recently negotiated in Moscow. Dean Manion had a broadcast on the same subject. Several television stations refused to run my broadcast on the treaty. I do not know how many stations refused to run Dean Manion's broadcast on the treaty.

An article in the September 2, 1963, issue of *Broadcasting* reveals, however, that the Citizens Committee for a Nuclear Test Ban Treaty demanded free and equal time from 300 broadcasting stations (mostly radio) which had run the Manion broadcast criticizing the test ban treaty. The demands were mailed on August 23. By August 29, the Committee had received replies from about 150 stations, most of them offering the Committee *free* time to answer the Manion Forum broadcast, although time for the Manion broadcasts had been *sold.*

Some stations wrote the FCC, asking whether they must *give* time to answer conservative broadcasts whose time had been *purchased* at regular rates. An FCC official said the commission "couldn't answer the question, since the commission had never settled the issue."[7]

What Can Be Done

If conservative commentary is banished from the airways, the cause of constitutional government is doomed. What can you, an individual, do about it? Paragraph (a) of the FCC Fairness Doctrine Notice says:

"When a controversial program involves a personal attack upon an individual or organization, the licensee [the station] must transmit the text of the broadcast to the person or group attacked, wherever located, either prior to or at the time of the broadcast, with a specific offer of his station's facilities for an adequate response . . . ."

Any factual, conservative comment about the UN, organized labor, or any governmental program can be considered a "personal attack" which demands "adequate response" from the "attacked." But when liberal commentators denounce all conservatives as right-wing crackpots

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and praise programs and organizations which conservatives know to be harmful to their country, will the FCC's provision for "adequate response" apply?

Conservatives could really convert this provision into something effective for our side.

In every city throughout the country, conservatives could form a local "Organization for the Protection of Conservative Opinion in Broadcasting"; officers could be elected; letter-heads printed. Each organization could send notices to its local broadcasting stations, listing subjects within the organization's scope of interest (the national budget, foreign aid, foreign policy, the UN, organized labor, education, states right, and so on). The conservative group could request transcripts of *all* proposed broadcasts dealing with such subjects, in accordance with the Federal Communications Commission's Public Notice, subparagraph (a), issued on July 26, 1963.

If the station does not cooperate, the conservative group could write the FCC in Washington, making a formal complaint, sending copies of the letter to the local station.

Every time a "liberal" broadcast is made on a local station, touching on any subject of interest to the local "Organization for the Protection of Conservative Opinion in Broadcasting," the Organization could demand free and equal time to answer. Individuals who cannot form an organization for this purpose, can, and should, act as individuals.

If any responsible conservative should demand and get equal time to answer a liberal broadcast, and then feel that he lacks time or facilities to prepare a proper presentation of his own views, I will lend my television film, free of charge, for such rebuttal purpose. Since early 1957, every issue of my *Report* has been summarized for television and radio broadcasting. A fairly adequate supply of these transcribed broadcasts has been preserved. They cover a wide range of subjects which "liberals" discuss in ways offensive to conservatives.

If the FCC really wants the "opposing" view to have free opportunity for expression, and if stations really want to give away broadcast time for that purpose, we conservatives should help them out. We should challenge every liberal broadcast and demand time for our own view, on every radio and television station in America.

If a left wing committee, urging ratification of a test ban treaty which could prove disastrous for our country, can get free rebuttal time from hundreds of broadcast stations, why can't we? We can — if we will.

FOOTNOTES

(1) "The State of the Union—Address of the President of the United States," *Congressional Record,* January 30, 1961, pp. 1360-4 (daily), pp. 1427-31 (bound)

(2) *The Far Right,* by Donald Janson and Bernard Eisemann, McGraw-Hill Book Company, Inc., 1963, pp. 227-32

(3) "The Radical Right in America Today," by Victor G. and Walter P. Reuther, *The Christian Beacon,* August 15, 1963, pp. 4-5

(4) "The Gesell Report and Perversion of the Mission of the Military," speech by United States Senators John Stennis (Democrat, Mississippi), Barry Goldwater (Republican, Arizona), and others, *Congressional Record,* July 31, 1963, pp. 13005-14 (daily)

(4) *Military Cold War Education and Speech Review Policies,* Hearings before the Special Preparedness Subcommittee of the Senate Armed Services Committee, 1962, Part IV, pp. 1491-2

(6) "Gesell Report," speech by United States Representatives L. Mendel Rivers (Democrat, South Carolina), Joe D. Waggonner, Jr. (Democrat, Louisiana), Louis C. Wyman (Republican, New Hampshire), and others, *Congressional Record,* August 7, 1963, pp. 13548-99 (daily)

(7) "Equal time requests follow Manion show," *Broadcasting,* September 2, 1963, pp. 61-2

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